Court USB production (August 28, 2026) · thread T09

RE: Response to Voicemail on August 25, 2025 ? Open Records Requests

15 message(s), 2025-08-26 · 2025-10-01. Public copy: personal contact details and excluded-subject material boxed.

1. 2025-08-26 18:34 Austin Beck · 1 att.
2. 2025-08-26 19:46 [redacted] · 1 att.
3. 2025-09-02 15:17 Candias Webster · 2 att.
4. 2025-09-02 15:45 Kyle Moring · 2 att.
5. 2025-09-11 22:16 Austin Beck · 1 att.
6. 2025-09-12 01:27 Kyle Moring · 1 att.
7. 2025-09-19 12:58 Candias Webster · 2 att.
8. 2025-09-19 13:30 Kyle Moring · 2 att.
9. 2025-09-19 15:16 Kyle Moring · 2 att.
10. 2025-09-25 21:07 Candias Webster · 1 att.
11. 2025-09-25 21:46 Kyle Moring · 1 att.
12. 2025-09-26 18:09 Kyle Moring · 1 att.
13. 2025-09-27 00:26 Austin Beck · 1 att.
14. 2025-10-01 19:49 Austin Beck · 1 att.
15. 2025-10-01 20:49 Kyle Moring · 1 att.

From:	Austin Beck <abeck@dtrglaw.com>
To:	"[redacted]" <[redacted]>
Cc:	Candias Webster <cwebster@mpcity.org>
Date:	2025-08-26 18:34:18+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_5.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Moring,

Thank you for your prompt reply. If we speak by phone, youre of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the Citys record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once theyve been gathered will save some cost to you, but staff will still need to print copies given the way the Citys system works as they dont have a way to produce electronic copies straight from the source records they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, Ill be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if youd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From: [redacted]
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Date: 2025-08-26 19:46:21+00:00
Subject: **Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments: image001.jpg
USB file: Re Response to Voicemail on August 25, 2025 — Open Records Requests_10.msg

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CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or
2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

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With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Candias Webster
To:	[redacted] <[redacted]>; Austin Beck <abeck@dtrglaw.com>
Cc:	
Date:	2025-09-02 15:17:47.318895+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg, export-Building Permit Manager-2025-09-02.xlsx
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_11.msg

Good morning, Kyle,

We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

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Kyle Moring

[redacted]

[redacted]

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With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



Address	Building P	Status	Permit Iss	Expiration	Permit Typ	Project Ty	Plan Revie	Approved

Applicatio	Owner	Owner Ad	Owner Ph	Invoice Nu	Invoice Ba	Total	Business/	Subcontra

Subcontra	Contractor	SubContra	Contractor	Contractor	Contractor	Reason De	Pending D	Date Appr

Notes	Program	Type of Bu	Number of	Permit De	Square Fo	Valuation	Building C	Occupancy

Constructi	Occupancy	Subdivisio	Zoning	Historic	Lot	Corner	Block	Lot Size

Lot Covera	Commerci	Payment D	Payment A	Payment N	Note	Payment 2	Payment 2	Payment 2

Note 2	Payment 3	Payment 3	Payment 3	Note 3	Fee Descri	Fee Amou	Fee Descri	Fee Amou

Fee Descri|Fee Amou|Fee Descri|Fee Amou|Fee Descri|Fee Amou|Fee Descri|Fee Amou|Total Pay

Date Adde Date Last Last Modified By

From:	Kyle Moring <[redacted]>
To:	Candias Webster <cwebster@mpcity.org>
Cc:	Austin Beck <abeck@dtrglaw.com>
Date:	2025-09-02 15:45:04+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg, export-Building Permit Manager-2025-09-02.xlsx
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests.msg (+1 identical copies)

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
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> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**
> **Cell: [redacted]**
> **Fax: 903-577-1828**
>
> **ATTENTION OFFICIALS**: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.
>
> *CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is*

prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

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Kyle Moring

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[redacted]

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Attachment: image001.jpg



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Applicatio	Owner	Owner Ad	Owner Ph	Invoice Nu	Invoice Ba	Total	Business/	Subcontra

Subcontra	Contractor	SubContra	Contractor	Contractor	Contractor	Reason De	Pending D	Date Appr

Notes	Program	Type of Bu	Number of	Permit De	Square Fo	Valuation	Building C	Occupancy

Constructi	Occupancy	Subdivisio	Zoning	Historic	Lot	Corner	Block	Lot Size

Lot Covera	Commerci	Payment D	Payment A	Payment N	Note	Payment 2	Payment 2	Payment 2

Note 2	Payment 3	Payment 3	Payment 3	Note 3	Fee Descri	Fee Amou	Fee Descri	Fee Amou

Fee Descri|Fee Amou|Fee Descri|Fee Amou|Fee Descri|Fee Amou|Fee Descri|Fee Amou|Total Pay

Date Adde Date Last Last Modified By

From:	Austin Beck <abeck@dtrglaw.com>
To:	Kyle Moring <[redacted]>; Candias Webster <cwebster@mpcity.org>
Cc:	
Date:	2025-09-11 22:16:20+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_1.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
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From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

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Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City’s electronic system. The Tex. Government Code §552 and the Attorney General’s cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic

form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or
2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.
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> The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.
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> Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.
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> As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.
>
> Thanks,
> Austin Beck
>
> 601 NW Loop 410 Suite 100
> San Antonio, Texas 78216
> 210-349-6484 Main Office
> 210-442-2343 Direct

210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Kyle Moring <[redacted]>
To:	Austin Beck <abeck@dtrglaw.com>
Cc:	Candias Webster <cwebster@mpcity.org>
Date:	2025-09-12 01:27:18+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_2.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

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2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please

provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck
601 NW Loop 410 Suite 100

San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring
[redacted]
[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.
>
> **Thank you,**
> **Candias Webster, TRMC, CMC**
> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**
> **Cell:** [redacted]
> **Fax: 903-577-1828**

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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or
2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

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> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed

to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

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Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
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www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

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With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Candias Webster
To:	Kyle Moring <[redacted]>; Austin Beck <abeck@dtrglaw.com>
Cc:	
Date:	2025-09-19 12:58:16.729640+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg, 9_19_25_TPIA_Cost_Estimate_Ltr_(Mt__Pleasant)(K__Moring).pdf
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_13.msg

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

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The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

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Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

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Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.
2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).
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With gratitude,

Kyle Moring

[redacted]

[redacted]

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and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.

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Regards,

Austin Beck
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210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:

Good morning, Kyle,

We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is

that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN OF COUNSEL TERRY TOPHAM

September 19, 2025

VIA EMAIL TO: <[redacted]>

Mr. Kyle Douglas Moring
TPIA Requestor

RE: Cost Estimate for TPIA Request to City of Mount Pleasant, Texas (Rec'd September 4, 2025)

Dear Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas (the "City"). The City received a public information request from you on August 13, 2025, for "All commercial building permits issued by the City of Mount Pleasant between January 1, 2025, and the date of the request, including applications, project valuations, assessed fees, property addresses, and applicant/project descriptions." An itemized cost estimate letter was issued to you, and you provided a response on September 4, 2025, to modify your request to reduce costs by requesting to view the information electronically at the City's administrative offices. The City is entitled to reimbursement for costs associated with reproducing materials, labor and overhead that will be incurred by the City in processing your request. Charges for providing copies of information responsive to your request will not be waived because the City has not determined that providing copies of responsive information will primarily benefit the general public.

The City has determined that fulfilling your request will result in the imposition of a charge that exceeds $40.00 for recovery of costs incurred by the City in order to process your request. Therefore, the City is providing you with an itemized cost estimate as required by §552.2615 of the Texas Government Code. If the City later determines, before making any copies of responsive information available to you, that actual charges for providing copies of responsive information will exceed the estimated amount stated herein by 20% or more, the City will provide you with an updated estimate of charges. Furthermore, please be advised that the City has identified certain responsive information that may be excepted from required public disclosure under the TPIA and which may be withheld following a decision on the matter by the Attorney General.

Itemized Statement of Estimated Charges:

Description	**Qty x Price**	**Total**
Copies	0 x $0.10	$0.00
Personnel Time ($15/hour)	72 hours x $15.00	$1,080.00
Overhead charges (20% of labor cost)	20% of $1080.00	$216.00
Total cost		**$1,296.00**

Your request will be considered automatically withdrawn if you do not respond in writing to this itemized cost estimate in the time and manner required by §552.2615 of the TPIA, and you may respond in writing to this itemized cost estimate by email to the City Secretary at cwebster@mpcity.org. *See* §552.2615(a)(2) and (a)(3), Tex. Gov't Code. In accordance with §552.2615(b) of the TPIA, **your request will be considered to have been withdrawn** by you if you do not inform the City in writing within ten business days from the date this letter was sent to you that you:

(a) accept the charges;
(b) wish to modify your request; OR
(c) have sent to the Texas Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the requested information.

Because the total estimated charges exceed $100.00, if you elect to accept the estimated charges the City requires that you post a bond with the City, for payment of the anticipated costs for the preparation of copies of responsive information, in an amount equal to the entire estimated amount, which is **$1,296.00** for this request. The remainder of the actual, total cost incurred by the City must be paid in full before the responsive information will be made available to you. *See* §552.263, Tex. Gov't Code. Upon informing the City that you accept the estimated charges, should you choose to do so, please contact me by email to coordinate posting of the required bond. If you fail to post the required bond before the 10th business day after the date the bond is required, which is the date on which you inform the City that you accept the estimated charges, your request will be considered to have been withdrawn by you. *See id*, at §552.263(f).

Please contact me if you have any questions regarding this matter. If you have any questions regarding the TPIA process generally, please consult with the Open Records Division of the Office of the Attorney General of Texas.

Regards,

/s/ Austin Beck
Austin Beck
For the Firm
City Attorneys for Mount Pleasant
Davidson, Troilo, Ream & Garza P.C.
601 NW Loop 410, Ste. 100
San Antonio, Texas 78216
Email: abeck@dtrglaw.com
Tel: (210) 349-6484
Fax: (210) 349-0041

From:	Kyle Moring <[redacted]>
To:	Candias Webster <cwebster@mpcity.org>
Cc:	Austin Beck <abeck@dtrglaw.com>
Date:	2025-09-19 13:30:21+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg, 9_19_25_TPIA_Cost_Estimate_Ltr_(Mt__Pleasant)(K__Moring).pdf
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_3.msg

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's offices.

1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies requested at this time. Under Gov't Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for "in-person viewing"**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City "must print and scan" or that the "system does not allow export." Please provide the IT/vendor documentation supporting your "no export" claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General's Cost Estimate Model.

5. **Deposit/Bond**

   Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs

in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.
>
> The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records

responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
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From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:

Good morning, Kyle,

We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system.
Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.
>
> The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.
>
> Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.
>
> As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.
>
> Thanks,
> Austin Beck
>
> 601 NW Loop 410 Suite 100
> San Antonio, Texas 78216

210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN OF COUNSEL TERRY TOPHAM

September 19, 2025

VIA EMAIL TO: <[redacted]>

Mr. Kyle Douglas Moring
TPIA Requestor

RE: Cost Estimate for TPIA Request to City of Mount Pleasant, Texas (Rec'd September 4, 2025)

Dear Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas (the "City"). The City received a public information request from you on August 13, 2025, for "All commercial building permits issued by the City of Mount Pleasant between January 1, 2025, and the date of the request, including applications, project valuations, assessed fees, property addresses, and applicant/project descriptions." An itemized cost estimate letter was issued to you, and you provided a response on September 4, 2025, to modify your request to reduce costs by requesting to view the information electronically at the City's administrative offices. The City is entitled to reimbursement for costs associated with reproducing materials, labor and overhead that will be incurred by the City in processing your request. Charges for providing copies of information responsive to your request will not be waived because the City has not determined that providing copies of responsive information will primarily benefit the general public.

The City has determined that fulfilling your request will result in the imposition of a charge that exceeds $40.00 for recovery of costs incurred by the City in order to process your request. Therefore, the City is providing you with an itemized cost estimate as required by §552.2615 of the Texas Government Code. If the City later determines, before making any copies of responsive information available to you, that actual charges for providing copies of responsive information will exceed the estimated amount stated herein by 20% or more, the City will provide you with an updated estimate of charges. Furthermore, please be advised that the City has identified certain responsive information that may be excepted from required public disclosure under the TPIA and which may be withheld following a decision on the matter by the Attorney General.

Itemized Statement of Estimated Charges:

Description	**Qty x Price**	**Total**
Copies	0 x $0.10	$0.00
Personnel Time ($15/hour)	72 hours x $15.00	$1,080.00
Overhead charges (20% of labor cost)	20% of $1080.00	$216.00
Total cost		**$1,296.00**

Your request will be considered automatically withdrawn if you do not respond in writing to this itemized cost estimate in the time and manner required by §552.2615 of the TPIA, and you may respond in writing to this itemized cost estimate by email to the City Secretary at cwebster@mpcity.org. *See* §552.2615(a)(2) and (a)(3), Tex. Gov't Code. In accordance with §552.2615(b) of the TPIA, **your request will be considered to have been withdrawn** by you if you do not inform the City in writing within ten business days from the date this letter was sent to you that you:

(a) accept the charges;
(b) wish to modify your request; OR
(c) have sent to the Texas Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the requested information.

Because the total estimated charges exceed $100.00, if you elect to accept the estimated charges the City requires that you post a bond with the City, for payment of the anticipated costs for the preparation of copies of responsive information, in an amount equal to the entire estimated amount, which is **$1,296.00** for this request. The remainder of the actual, total cost incurred by the City must be paid in full before the responsive information will be made available to you. *See* §552.263, Tex. Gov't Code. Upon informing the City that you accept the estimated charges, should you choose to do so, please contact me by email to coordinate posting of the required bond. If you fail to post the required bond before the 10th business day after the date the bond is required, which is the date on which you inform the City that you accept the estimated charges, your request will be considered to have been withdrawn by you. *See id*, at §552.263(f).

Please contact me if you have any questions regarding this matter. If you have any questions regarding the TPIA process generally, please consult with the Open Records Division of the Office of the Attorney General of Texas.

Regards,

/s/ Austin Beck
Austin Beck
For the Firm
City Attorneys for Mount Pleasant
Davidson, Troilo, Ream & Garza P.C.
601 NW Loop 410, Ste. 100
San Antonio, Texas 78216
Email: abeck@dtrglaw.com
Tel: (210) 349-6484
Fax: (210) 349-0041

From:	Kyle Moring <[redacted]>
To:	Austin Beck <abeck@dtrglaw.com>
Cc:	Candias Webster <cwebster@mpcity.org>
Date:	2025-09-19 15:16:22+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg, 9_19_25_TPIA_Cost_Estimate_Ltr_(Mt__Pleasant)(K__Moring).pdf
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_15.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Your September 19, 2025 cost estimate letter identifies my request as “received August 13, 2025.” However, the City’s own email dated August 13, 2025, states, “Please see below and attached information from your request date, August 4, 2025,” and it reproduces my August 2, 2025 message expressly requesting production in electronic format (PDF or native) via email or secure download link. This confirms the City had my request well before August 13 and that I elected electronic delivery from the outset. Please correct your records to reflect the accurate chronology (**original request July 31, 2025**; **supplemental correspondence August 2/4**) and adjust any timelines or notices that relied on the August 13, 2025 date.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City’s permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City’s software “does not allow for electronic records to be exported” and that records “must be printed and scanned to PDFs.” That position remains inconsistent with (i) the City Secretary’s representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City’s own recent productions of electronic files, including an Excel named “export-Building Permit Manager—2025-09-02.xlsx.”

1) “Excel” — automated export vs. manual typing; why it matters:

If, by “Excel,” the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — “export-Building Permit Manager—2025-09-02.xlsx” — strongly indicates such an export already occurred.

If, instead, “Excel” meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the “Excel” option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City “must” print and then scan to create PDFs.The Attorney General’s rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither “programming” nor “manipulation” (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and “print to PDF” (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272’s no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City’s own productions undermine the “no export” claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG’s rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City’s repeated claims of “unclear” are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email’s assertion that the City “remains unclear” about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City’s August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is “deficient.”

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies

of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.

2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.
>
> **Thank you,**
> **Candias Webster, TRMC, CMC**
> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**
> **Cell:** [redacted]
> **Fax: 903-577-1828**

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system.
Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN OF COUNSEL TERRY TOPHAM

September 19, 2025

VIA EMAIL TO: <[redacted]>

Mr. Kyle Douglas Moring
TPIA Requestor

RE: Cost Estimate for TPIA Request to City of Mount Pleasant, Texas (Rec'd September 4, 2025)

Dear Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas (the "City"). The City received a public information request from you on August 13, 2025, for "All commercial building permits issued by the City of Mount Pleasant between January 1, 2025, and the date of the request, including applications, project valuations, assessed fees, property addresses, and applicant/project descriptions." An itemized cost estimate letter was issued to you, and you provided a response on September 4, 2025, to modify your request to reduce costs by requesting to view the information electronically at the City's administrative offices. The City is entitled to reimbursement for costs associated with reproducing materials, labor and overhead that will be incurred by the City in processing your request. Charges for providing copies of information responsive to your request will not be waived because the City has not determined that providing copies of responsive information will primarily benefit the general public.

The City has determined that fulfilling your request will result in the imposition of a charge that exceeds $40.00 for recovery of costs incurred by the City in order to process your request. Therefore, the City is providing you with an itemized cost estimate as required by §552.2615 of the Texas Government Code. If the City later determines, before making any copies of responsive information available to you, that actual charges for providing copies of responsive information will exceed the estimated amount stated herein by 20% or more, the City will provide you with an updated estimate of charges. Furthermore, please be advised that the City has identified certain responsive information that may be excepted from required public disclosure under the TPIA and which may be withheld following a decision on the matter by the Attorney General.

Itemized Statement of Estimated Charges:

Description	**Qty x Price**	**Total**
Copies	0 x $0.10	$0.00
Personnel Time ($15/hour)	72 hours x $15.00	$1,080.00
Overhead charges (20% of labor cost)	20% of $1080.00	$216.00
Total cost		**$1,296.00**

Your request will be considered automatically withdrawn if you do not respond in writing to this itemized cost estimate in the time and manner required by §552.2615 of the TPIA, and you may respond in writing to this itemized cost estimate by email to the City Secretary at cwebster@mpcity.org. *See* §552.2615(a)(2) and (a)(3), Tex. Gov't Code. In accordance with §552.2615(b) of the TPIA, **your request will be considered to have been withdrawn** by you if you do not inform the City in writing within ten business days from the date this letter was sent to you that you:

(a) accept the charges;
(b) wish to modify your request; OR
(c) have sent to the Texas Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the requested information.

Because the total estimated charges exceed $100.00, if you elect to accept the estimated charges the City requires that you post a bond with the City, for payment of the anticipated costs for the preparation of copies of responsive information, in an amount equal to the entire estimated amount, which is **$1,296.00** for this request. The remainder of the actual, total cost incurred by the City must be paid in full before the responsive information will be made available to you. *See* §552.263, Tex. Gov't Code. Upon informing the City that you accept the estimated charges, should you choose to do so, please contact me by email to coordinate posting of the required bond. If you fail to post the required bond before the 10th business day after the date the bond is required, which is the date on which you inform the City that you accept the estimated charges, your request will be considered to have been withdrawn by you. *See id*, at §552.263(f).

Please contact me if you have any questions regarding this matter. If you have any questions regarding the TPIA process generally, please consult with the Open Records Division of the Office of the Attorney General of Texas.

Regards,

/s/ Austin Beck
Austin Beck
For the Firm
City Attorneys for Mount Pleasant
Davidson, Troilo, Ream & Garza P.C.
601 NW Loop 410, Ste. 100
San Antonio, Texas 78216
Email: abeck@dtrglaw.com
Tel: (210) 349-6484
Fax: (210) 349-0041

From:	Candias Webster
To:	Kyle Moring <[redacted]>
Cc:	Austin Beck <abeck@dtrglaw.com>
Date:	2025-09-25 21:07:01.828694+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_9.msg

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Friday, September 19, 2025 8:30 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's offices.

1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies requested at this time. Under Gov't Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for "in-person viewing"**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City "must print and scan" or that the "system does not allow export." Please provide the IT/vendor documentation supporting your "no export" claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General's Cost Estimate Model.

5. **Deposit/Bond**

Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by “Excel,” the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — “export-Building Permit Manager—2025-09-02.xlsx” — strongly indicates such an export already occurred.

If, instead, “Excel” meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the “Excel” option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City “must” print and then scan to create PDFs.The Attorney General’s rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither “programming” nor “manipulation” (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and “print to PDF” (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272’s no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City’s own productions undermine the “no export” claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG’s rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City’s repeated claims of “unclear” are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email’s assertion that the City “remains unclear” about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City’s August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is “deficient.”

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM

To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.
>
> **Thank you,**
> **Candias Webster, TRMC, CMC**
> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**
> **Cell:** [redacted]
> **Fax: 903-577-1828**
>
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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system.
Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Kyle Moring <[redacted]>
To:	Candias Webster <cwebster@mpcity.org>
Cc:	Austin Beck <abeck@dtrglaw.com>
Date:	2025-09-25 21:46:21+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_4.msg

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

Your previous email states: “Once we receive your payment, we can set up a time for you to review.” Conditioning inspection on prepayment is unlawful.

- **Paper records:** A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov’t Code § 552.271(a), (c)–(d)).*
- **Electronic records:** “In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access to the information unless complying requires programming or manipulation of data,” and the City must first issue the required written statement *(Tex. Gov’t Code §§ 552.272(a), 552.231).*

  Texas PIA Handbook: “Section 552.272 allows labor charges only when providing access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspectelectronic records.” *(Texas OAG, Public Information Act Handbook).*

Please withdraw the pay-to-inspect demand and schedule inspection, or, if records cannot be produced promptly, provide the written certification stating the date and hour when they will be available *(Tex. Gov’t Code § 552.221(d)).*

Separately, I accept paper copies of the 58 pages previously identified. Please confirm pickup for Friday, September 26, 2025, and provide a corrected invoice calculated in accordance with the cost rules *(1 TAC § 70.3 — e.g., $0.10/page; labor only when applicable; overhead = 20% of labor only).* Deposits apply to copies only, after a proper itemized estimate, and only when estimated copy charges exceed the statutory threshold *(Tex. Gov’t Code §§ 552.2615, 552.263).*I will pay at pickup for the 58 pages.

Requested Action (by end of day):

1. **Inspection:** Provide a date/time for on-site inspection of electronic records without prepayment or provide the required programming/manipulation statement *(Tex. Gov’t Code § 552.231).*
2. **Paper pickup:** Confirm pickup time/location and the total for the 58 pages *(1 TAC § 70.3).*
3. **If not available promptly:** Provide the certification of date/hour availability *(Tex. Gov’t Code § 552.221(d)).*

I have contacted the OAG Open Government Hotline regarding this issue and will supplement my complaint today if the City does not cure these defects. I will also file a separate cost-rules complaint and, if necessary, a § 552.3215 complaint with the Titus County prosecutor *(Tex. Gov’t Code §§ 552.221, 552.231, 552.2615, 552.263, 552.271–.272, 552.3215; 1 TAC § 70.3).*

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Sep 25, 2025, at 4:07 PM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

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- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

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[redacted]

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Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce

without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit

documents in electronic form (PDF or “print-to-PDF”), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are “true and correct copies” of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City’s standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:

Good morning, Kyle,

We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM

To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.
>
> The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g.

$50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Kyle Moring <[redacted]>
To:	Candias Webster <cwebster@mpcity.org>
Cc:	Austin Beck <abeck@dtrglaw.com>
Date:	2025-09-26 18:09:36+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_6.msg

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I will arrive at 2:00 p.m. to pick up the 58 pages. Please let me know the exact location where I can pick up the records. This email also restates the items from my September 25 communication that remain unanswered and outlines my public interest fee waiver request.

Public-interest fee-waiver request (Tex. Gov't Code § 552.267)

I request a waiver or reduction of copy charges because the release of these records will primarily benefit the general public (non-commercial):

- **Retail Food Safety/DSHS Oversight:** The records relate to an ongoing retail food safety matter and materials I have provided to DSHS as part of oversight/enforcement substantiation. I intend to share the results publicly (community groups, media, and DSHS), not for commercial gain.
- **Inspector competency & program integrity:** The public has a strong interest in whether City inspection staff are properly qualified and trained (e.g., FDA Program Standard 2/RS-SIT pathways), whether sign-offs were appropriate, and whether the City maintains adequate SOPs/policies.
- **Fiscal transparency:** Records concerning permit fees and valuations directly affect tax revenues, budget decisions, and employee compensation (e.g., COLA/benefits). Public access informs taxpayers' understanding of the City's rate-setting and budget priorities.

Accordingly, a § 552.267 fee waiver (or substantial reduction) is warranted. For clarity: my use is non-commercial; the primary beneficiaries are residents and City employees.

Cost posture & inspection (law, in brief)

Paper inspection: A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*

- **Electronic inspection:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access… unless complying requires programming or manipulation of data," in which case the City must first issue the written statement required by § 552.231 *(Tex. Gov't Code § 552.272(a); § 552.231).*

  Texas PIA Handbook: "§ 552.272 allows labor charges only when access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspect electronic records."

Outstanding statutory items (please answer today)

1. **Withdraw pay-to-inspect (or justify):** Please withdraw the pay-to-inspect demand in your September 25, 2025email ("Once we receive your payment, we can set up a time for you to review"), **or** provide the § 552.231programming/manipulation statement if you contend it applies *(Tex. Gov't Code §§ 552.271, 552.272, 552.231).*
2. **Correct, itemized estimate for any copies (if I elect additional copies):** Apply 1 TAC § 70.3 (e.g., $0.10/page, labor only when permitted, overhead = 20% of labor only) and issue a § 552.2615-compliant estimate when > $40.
3. **Electronic export claim:** If the City's system truly cannot export, please provide vendor/IT documentation or a custodian statement (including the system name/version and available export functions/settings) so we can determine whether § 552.228 electronic production or § 552.231 applies.
4. **Date-certain certification:** For any items not promptly available, provide the § 552.221(d) written certification stating the date and hour they will be available.
5. **§ 552.267 decision:** Please issue a written public-interest determination granting the waiver (or reduction). If denied, state the specific reasons and provide a revised, compliant estimate reflecting no-cost inspection where applicable.

Please acknowledge that this is not a new request. I will pick up the 58 pages at 2:00 p.m. today and remain available for rolling production.

If these statutory items remain unresolved, I will supplement my OAG Open Government Hotline complaint and seek local enforcement under § 552.3215.

With gratitude,

Kyle Moring

(972)[redacted] | [redacted]

On Sep 25, 2025, at 4:46 PM, Kyle Moring <[redacted]> wrote:

Ms. Webster,

Your previous email states: “Once we receive your payment, we can set up a time for you to review.” Conditioning inspection on prepayment is unlawful.

- **Paper records:** A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov’t Code § 552.271(a), (c)–(d)).*
- **Electronic records:** “In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access to the information unless complying requires programming or manipulation of data,” and the City must first issue the required written statement *(Tex. Gov’t Code §§ 552.272(a), 552.231).*

  Texas PIA Handbook: “Section 552.272 allows labor charges only when providing access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspectelectronic records.” *(Texas OAG, Public Information Act Handbook).*

Please withdraw the pay-to-inspect demand and schedule inspection, or, if records cannot be produced promptly, provide the written certification stating the date and hour when they will be available *(Tex. Gov’t Code § 552.221(d)).*

Separately, I accept paper copies of the 58 pages previously identified. Please confirm pickup for Friday, September 26, 2025, and provide a corrected invoice calculated in accordance with the cost rules *(1 TAC § 70.3 — e.g., $0.10/page; labor only when applicable; overhead = 20% of labor only).* Deposits apply to copies only, after a proper itemized estimate, and only when estimated copy charges exceed the statutory threshold *(Tex. Gov’t Code §§ 552.2615, 552.263).*I will pay at pickup for the 58 pages.

Requested Action (by end of day):

1. **Inspection:** Provide a date/time for on-site inspection of electronic records without prepayment or provide the required programming/manipulation statement *(Tex. Gov’t Code § 552.231).*
2. **Paper pickup:** Confirm pickup time/location and the total for the 58 pages *(1 TAC § 70.3).*
3. **If not available promptly:** Provide the certification of date/hour availability *(Tex. Gov’t Code § 552.221(d)).*

I have contacted the OAG Open Government Hotline regarding this issue and will supplement my complaint today if the City does not cure these defects. I will also file a separate cost-rules complaint and, if necessary, a § 552.3215 complaint with the Titus County prosecutor *(Tex. Gov’t Code §§ 552.221, 552.231, 552.2615, 552.263, 552.271–.272, 552.3215; 1 TAC § 70.3).*

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Sep 25, 2025, at 4:07 PM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

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privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: Kyle Moring <[redacted]>
Sent: Friday, September 19, 2025 8:30 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's offices.

1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies requested at this time. Under Gov't Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for "in-person viewing"**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City "must print and scan" or that the "system does not allow export." Please provide the IT/vendor documentation supporting your "no export" claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General's Cost Estimate Model.

5. **Deposit/Bond**

   Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM

To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.
>
> **Thank you,**
> **Candias Webster, TRMC, CMC**
> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**

Cell: [redacted]
Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system.
The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or
2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications

regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Austin Beck <abeck@dtrglaw.com>
To:	Kyle Moring <[redacted]>; Candias Webster <cwebster@mpcity.org>
Cc:	
Date:	2025-09-27 00:26:56+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_14.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Moring,

Regarding your email below:

1. **Public-interest fee waiver:** The City is not waiving fees because the City has not determined that providing the requested information will primarily benefit the public.
2. **Paper inspection:** The City previously issued a cost estimate letter to you for 4000+ pages of paper records and you responded by modifying your request to inspect electronic records instead to avoid printing costs; accordingly, the City issued a revised cost estimate letter to you and has yet to receive a response as required by Sec. 552.2615(b), Tex. Gov't Code. As stated in previous communications to you:
    a. The City's permit records are stored in specialized software. To obtain electronic copies, each page must be printed and scanned. You rejected this option to reduce printing costs.
    b. To inspect existing electronic records stored on the City's permitting software, a labor charge will be incurred for the personnel time required to manipulate the data as you view each record. The City cannot allow you unsupervised access to the City's permitting software – a City employee will need to manipulate the permitting data in real-time (e.g. gather the records) as you review them. This labor charge is estimated in the revised cost estimate letter that was issued to you by the City.
    c. If, upon review, you would like the City to print and/or scan a particular record, you may request the City do so and will incur a charge for each printed page. Alternatively, you can bring a camera or other device to create your own electronic copy from the original electronic records without incurring any additional charges.
3. **Outstanding statutory items:**
    a. **Withdraw pay-to-inspect (or justify):** See (2) above.
    b. **Correct, itemized estimate for any copies (if I elect additional copies):** The City will not issue a revised cost estimate letter unless you respond in writing that you are modifying your request to include paper or electronic copies. See (2)(a) above.
    c. **Electronic export claim:** The City does not possess any responsive records regarding vendor/IT documentation or a custodian statement relating to the export options for the City's permitting software.
    d. **Date-certain certification:** The records will be made available to you during normal business hours once you request a date/time for inspection and post the required bond/deposit.
    e. **§ 552.267 decision:** See (1) above. The City is not required to answer any questions or perform research under Chapter 552, Tex. Gov't Code.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Friday, September 26, 2025 1:10 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

I will arrive at 2:00 p.m. to pick up the 58 pages. Please let me know the exact location where I can pick up the records. This email also

restates the items from my September 25 communication that remain unanswered and outlines my public interest fee waiver request.

Public-interest fee-waiver request (Tex. Gov't Code § 552.267)

I request a waiver or reduction of copy charges because the release of these records will primarily benefit the general public (non-commercial):

- **Retail Food Safety/DSHS Oversight:** The records relate to an ongoing retail food safety matter and materials I have provided to DSHS as part of oversight/enforcement substantiation. I intend to share the results publicly (community groups, media, and DSHS), not for commercial gain.
- **Inspector competency & program integrity:** The public has a strong interest in whether City inspection staff are properly qualified and trained (e.g., FDA Program Standard 2/RS-SIT pathways), whether sign-offs were appropriate, and whether the City maintains adequate SOPs/policies.
- **Fiscal transparency:** Records concerning permit fees and valuations directly affect tax revenues, budget decisions, and employee compensation (e.g., COLA/benefits). Public access informs taxpayers' understanding of the City's rate-setting and budget priorities.

Accordingly, a § 552.267 fee waiver (or substantial reduction) is warranted. For clarity: my use is non-commercial; the primary beneficiaries are residents and City employees.

Cost posture & inspection (law, in brief)

Paper inspection: A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*

- **Electronic inspection:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access… unless complying requires programming or manipulation of data," in which case the City must first issue the written statement required by § 552.231 *(Tex. Gov't Code § 552.272(a); § 552.231).*

  Texas PIA Handbook: "§ 552.272 allows labor charges only when access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspect electronic records."

Outstanding statutory items (please answer today)

1. **Withdraw pay-to-inspect (or justify):** Please withdraw the pay-to-inspect demand in your September 25, 2025email ("Once we receive your payment, we can set up a time for you to review"), **or** provide the § 552.231programming/manipulation statement if you contend it applies *(Tex. Gov't Code §§ 552.271, 552.272, 552.231).*
2. **Correct, itemized estimate for any copies (if I elect additional copies):** Apply 1 TAC § 70.3 (e.g., $0.10/page, labor only when permitted, overhead = 20% of labor only) and issue a § 552.2615-compliant estimate when > $40.
3. **Electronic export claim:** If the City's system truly cannot export, please provide vendor/IT documentation or a custodian statement (including the system name/version and available export functions/settings) so we can determine whether § 552.228 electronic production or § 552.231 applies.
4. **Date-certain certification:** For any items not promptly available, provide the § 552.221(d) written certification stating the date and hour they will be available.
5. **§ 552.267 decision:** Please issue a written public-interest determination granting the waiver (or reduction). If denied, state the specific reasons and provide a revised, compliant estimate reflecting no-cost inspection where applicable.

Please acknowledge that this is not a new request. I will pick up the 58 pages at 2:00 p.m. today and remain available for rolling production.

If these statutory items remain unresolved, I will supplement my OAG Open Government Hotline complaint and seek local enforcement under § 552.3215.

With gratitude,

Kyle Moring

(972)[redacted] | [redacted]

On Sep 25, 2025, at 4:46 PM, Kyle Moring <[redacted]> wrote:

Ms. Webster,

Your previous email states: "Once we receive your payment, we can set up a time for you to review."
Conditioning inspection on prepayment is unlawful.

- **Paper records:** A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*
- **Electronic records:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access to the information unless complying requires programming or manipulation of data,"

and the City must first issue the required written statement *(Tex. Gov't Code §§ 552.272(a), 552.231).*

Texas PIA Handbook: "Section 552.272 allows labor charges only when providing access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspectelectronic records." *(Texas OAG, Public Information Act Handbook).*

Please withdraw the pay-to-inspect demand and schedule inspection, or, if records cannot be produced promptly, provide the written certification stating the date and hour when they will be available *(Tex. Gov't Code § 552.221(d)).*

Separately, I accept paper copies of the 58 pages previously identified. Please confirm pickup for Friday, September 26, 2025, and provide a corrected invoice calculated in accordance with the cost rules *(1 TAC § 70.3 — e.g., $0.10/page; labor only when applicable; overhead = 20% of labor only).* Deposits apply to copies only, after a proper itemized estimate, and only when estimated copy charges exceed the statutory threshold *(Tex. Gov't Code §§ 552.2615, 552.263).*I will pay at pickup for the 58 pages.

Requested Action (by end of day):

1. **Inspection:** Provide a date/time for on-site inspection of electronic records without prepayment or provide the required programming/manipulation statement *(Tex. Gov't Code § 552.231).*
2. **Paper pickup:** Confirm pickup time/location and the total for the 58 pages *(1 TAC § 70.3).*
3. **If not available promptly:** Provide the certification of date/hour availability *(Tex. Gov't Code § 552.221(d)).*

I have contacted the OAG Open Government Hotline regarding this issue and will supplement my complaint today if the City does not cure these defects. I will also file a separate cost-rules complaint and, if necessary, a § 552.3215 complaint with the Titus County prosecutor *(Tex. Gov't Code §§ 552.221, 552.231, 552.2615, 552.263, 552.271–.272, 552.3215; 1 TAC § 70.3).*

With gratitude,

Kyle Moring

[redacted]

On Sep 25, 2025, at 4:07 PM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Friday, September 19, 2025 8:30 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's

offices.

1. **Election of “inspection only” for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies requested at this time. Under Gov’t Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for “in-person viewing”**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City “must print and scan” or that the “system does not allow export.” Please provide the IT/vendor documentation supporting your “no export” claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General’s Cost Estimate Model.

5. **Deposit/Bond**

   Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your “no export” claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City’s permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that

required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every

permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce

on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are “true and correct copies” of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City’s standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.
>
> **Thank you,**
> **Candias Webster, TRMC, CMC**
> **Assistant City Manager/ City Secretary**
> **City of Mt. Pleasant**
> **Office: 903-575-4154**
> **Cell:** [redacted]
> **Fax: 903-577-1828**
>
> **ATTENTION OFFICIALS**: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.
>
> *CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the*

sender immediately and delete the material from your computer.

From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system.
The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or
2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,

Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.

The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Austin Beck <abeck@dtrglaw.com>
To:	Kyle Moring <[redacted]>
Cc:	Candias Webster <cwebster@mpcity.org>
Date:	2025-10-01 19:49:09+00:00
Subject:	**RE: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	RE Response to Voicemail on August 25, 2025 — Open Records Requests_8.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Moring,

For the September 4, 2025, request: an estimate was provided, but the actual cost was less than the estimate. The City will issue a refund for the difference, in the amount of $2.80. Please coordinate with the City Secretary about when you'd like to come pick up a check or if you'd like it mailed to you.

For the July 31, 2025, request: The City will respond accordingly once we receive notice from the OAG regarding an overcharge complaint.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Friday, September 26, 2025 8:47:44 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster and Mr. Beck,

This message concerns the City's estimates for my requests on September 4, 2025 ($59.80) and July 31, 2025 ($1,296). I have filed a cost-rules complaint with the Attorney General's Open Government Cost Rules unit covering both estimates, and I am contacting the Titus County District Attorney regarding potential enforcement under Tex. Gov't Code § 552.3215.

Routing & receipt: Please forward this correspondence and all future communications related to these two PIA requests to Mayor Wesley Lyons and City Manager Rob Vine, and confirm in writing when it has been routed. I have requested an electronic read receipt; regardless, please reply "received" for the record.

Payment under protest & duplicate charges (September 26, 2025):
At pickup, I paid the $59.80 under protest, stating I was being overcharged, in the presence of Sundi Jackson and Karina Memije. Ms. Webster stated that you, Mr. Beck, had reviewed the cost estimate; yet the estimate was revised after my initial call-out, then called out again and denied by the City. In the final packet, 28 pages were duplicates of records already produced to me via the City's SharePoint on June 11, 2025, and June 27, 2025, for which I had already paid.

Defects in the two estimates (as issued)

1. **September 18, 2025 estimate — $59.80 (58 pages):** It lists 3 hours of labor + overhead and then states: "Because the total estimated charges exceed $100.00 … post a bond … in the amount of $59.80." A $59.80 estimate does not exceed $100. Deposits are tied to copies (after a compliant § 552.2615 estimate), not to inspection.
2. **September 19, 2025 estimate — $1,296 (72 hours labor + 20% overhead):** It imposes labor/overhead for in-person electronic viewing after I expressly elected inspection only. It further asserts staff must "gather" records from permitting software, as I view them, and that the system "does not allow downloading," supposedly requiring print/scan. If the City truly believes inspection requires programming or manipulation of data, the statute requires a § 552.231 written statement before any labor may be charged for electronic inspection.

Governing law — Tex. Gov't Code § 552.231 (exact provisions)

- **§ 552.231(a):** A governmental body shall provide the written statement described in Subsection (b) if it determines that

responding to a request will require programming or manipulation of data and that (1) compliance is not feasible or would substantially interfere with operations; or (2) the information could be made available in the requested form only at a cost that covers the programming/manipulation of data.

- **§ 552.231(b):** The written statement must include: (1) a statement that the information is not available in the requested form; (2) the form in which it is available; (3) a description of any contract/services required to provide it in the requested form; (4) the estimated cost (per § 552.262); and (5) the anticipated time required.
- **§ 552.231(c):** The statement must be provided within 20 days of the request (with an additional 10 days if notice is given within the 20-day period that more time is needed).
- **§ 552.231(d)–(d-1):** After providing the statement, the body has no further obligation to provide the information in the requested form unless, within 30 days, the requestor elects the terms/time or elects the form in which it is already available; otherwise, the request is withdrawn.
- **§ 552.231(e):** The officer for public information shall establish policies to assure expeditious, accurate processing and maintain a file containing all written § 552.231 statements in a readily accessible location.

Your estimate letters reference § 552.2615 (copies), but no § 552.231(b) written statement has been issued for either matter.

Inspection rule (Texas PIA Handbook — § 552.272):

“Section 552.272 allows charges for labor when providing access to electronic information requires programming and/or manipulation of data … No other charges are allowed. Printing electronic records is neither programming nor manipulation of data. Overhead is not allowed on requests for inspection of electronic records, and overhead charges are not allowed on requests for inspection of paper records.”

Requested actions

1. Withdraw all deposit demands for inspection and confirm that no prepayment is required for inspection of electronic or paper records. (§ 552.263 deposits apply to copies only, after a compliant § 552.2615 estimate; they do not govern inspection. A $59.80 estimate cannot lawfully trigger a “> $100” deposit.)
2. If you contend that inspection of the electronic records requires programming/manipulation, please issue the § 552.231(b) written statement with all five required elements (unavailable form; available form; contract/services; estimated cost; anticipated time) within the statutory timelines. Otherwise, schedule inspection without charge consistent with § 552.272(a) and the Handbook guidance above.
3. For any copies I may later elect to purchase, provide a corrected, itemized § 552.2615 estimate that:
    - Itemizes labor by task and minutes (locate, compile, redact, reproduce), applies $15/hour, and computes overhead = 20% of labor only; and
    - Identifies any less-costly/no-cost access method as required by the AG cost rules.

    (The September 18, 2025 estimate lists “3 hours” with no task breakdown; the September 19, 2025 letter lists 72 hours with no breakdown.)
4. Refund/credit the charges for the 28 duplicate pages in the 58-page packet (at least 28 × $0.10 = $2.80, plus any labor/overhead attributable solely to reproducing those duplicates), and re-issue a corrected invoice.
5. Acknowledge that a cost complaint is on file with the Attorney General regarding both estimates, and preserve all related records (cost worksheets, time logs, system audit logs, and correspondence).
6. Please confirm that this correspondence has been routed to Mayor Wesley Lyons and City Manager Rob Vine, and provide a written acknowledgment of receipt (a simple “received” from your office is sufficient).

I remain available to inspect the electronic records on mutually agreeable dates. Please confirm an inspection appointment without prepayment, or transmit the § 552.231(b) statement if you intend to rely on programming/manipulation.

Public transparency: Consistent with my right to speak on matters of public concern, I intend to inform the residents of Mount Pleasant about this records matter through public updates on social media and to address it during the open comment period at the next City Council meeting.

Enforcement notice: In addition to my OAG cost complaint and my request for local PIA enforcement, I am referring other, non-PIA legal issues identified during my investigation to the Titus County District Attorney for independent review. Please preserve all potentially relevant records (including email, texts, MyGov/HSGov case data and audit logs, photographs, and recordings) while these matters are pending.

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Sep 26, 2025, at 7:26 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

Regarding your email below:

1. **Public-interest fee waiver:** The City is not waiving fees because the City has not determined that providing the requested information will primarily benefit the public.
2. **Paper inspection:** The City previously issued a cost estimate letter to you for 4000+ pages of paper records and you responded by modifying your request to inspect electronic records instead to avoid printing costs; accordingly, the City issued a revised cost estimate letter to you and has yet to receive a response as required by Sec. 552.2615(b), Tex. Gov't Code. As stated in previous communications to you:
    a. The City's permit records are stored in specialized software. To obtain electronic copies, each page must be printed and scanned. You rejected this option to reduce printing costs.
    b. To inspect existing electronic records stored on the City's permitting software, a labor charge will be incurred for the personnel time required to manipulate the data as you view each record. The City cannot allow you unsupervised access to the City's permitting software – a City employee will need to manipulate the permitting data in real-time (e.g. gather the records) as you review them. This labor charge is estimated in the revised cost estimate letter that was issued to you by the City.
    c. If, upon review, you would like the City to print and/or scan a particular record, you may request the City do so and will incur a charge for each printed page. Alternatively, you can bring a camera or other device to create your own electronic copy from the original electronic records without incurring any additional charges.
3. **Outstanding statutory items:**
    a. **Withdraw pay-to-inspect (or justify):** See (2) above.
    b. **Correct, itemized estimate for any copies (if I elect additional copies):**The City will not issue a revised cost estimate letter unless you respond in writing that you are modifying your request to include paper or electronic copies. See (2)(a) above.
    c. **Electronic export claim:** The City does not possess any responsive records regarding vendor/IT documentation or a custodian statement relating to the export options for the City's permitting software.
    d. **Date-certain certification:** The records will be made available to you during normal business hours once you request a date/time for inspection and post the required bond/deposit.
    e. **§ 552.267 decision:** See (1) above. The City is not required to answer any questions or perform research under Chapter 552, Tex. Gov't Code.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Friday, September 26, 2025 1:10 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

I will arrive at 2:00 p.m. to pick up the 58 pages. Please let me know the exact location where I can pick up the records. This email also restates the items from my September 25 communication that remain unanswered and outlines my public interest fee waiver request.

Public-interest fee-waiver request (Tex. Gov't Code § 552.267)

I request a waiver or reduction of copy charges because the release of these records will primarily benefit the general public (non-commercial):

- **Retail Food Safety/DSHS Oversight:** The records relate to an ongoing retail food safety matter and materials I have provided to DSHS as part of oversight/enforcement substantiation. I intend to share the results publicly (community groups, media, and DSHS), not for commercial gain.
- **Inspector competency & program integrity:** The public has a strong interest in whether City inspection staff are properly qualified and trained (e.g., FDA Program Standard 2/RS-SIT pathways), whether sign-offs were appropriate,

and whether the City maintains adequate SOPs/policies.

- **Fiscal transparency:** Records concerning permit fees and valuations directly affect tax revenues, budget decisions, and employee compensation (e.g., COLA/benefits). Public access informs taxpayers' understanding of the City's rate-setting and budget priorities.

Accordingly, a § 552.267 fee waiver (or substantial reduction) is warranted. For clarity: my use is non-commercial; the primary beneficiaries are residents and City employees.

Cost posture & inspection (law, in brief)

Paper inspection: A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*

- **Electronic inspection:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access… unless complying requires programming or manipulation of data," in which case the City must first issue the written statement required by § 552.231 *(Tex. Gov't Code § 552.272(a); § 552.231).*

  Texas PIA Handbook: "§ 552.272 allows labor charges only when access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspect electronic records."

Outstanding statutory items (please answer today)

1. **Withdraw pay-to-inspect (or justify):** Please withdraw the pay-to-inspect demand in your September 25, 2025email ("Once we receive your payment, we can set up a time for you to review"), **or** provide the § 552.231programming/manipulation statement if you contend it applies *(Tex. Gov't Code §§ 552.271, 552.272, 552.231).*

2. **Correct, itemized estimate for any copies (if I elect additional copies):** Apply 1 TAC § 70.3 (e.g., $0.10/page, labor only when permitted, overhead = 20% of labor only) and issue a § 552.2615-compliant estimate when > $40.

3. **Electronic export claim:** If the City's system truly cannot export, please provide vendor/IT documentation or a custodian statement (including the system name/version and available export functions/settings) so we can determine whether § 552.228 electronic production or § 552.231 applies.

4. **Date-certain certification:** For any items not promptly available, provide the § 552.221(d) written certification stating the date and hour they will be available.

5. **§ 552.267 decision:** Please issue a written public-interest determination granting the waiver (or reduction). If denied, state the specific reasons and provide a revised, compliant estimate reflecting no-cost inspection where applicable.

Please acknowledge that this is not a new request. I will pick up the 58 pages at 2:00 p.m. today and remain available for rolling production.

If these statutory items remain unresolved, I will supplement my OAG Open Government Hotline complaint and seek local enforcement under § 552.3215.

With gratitude,

Kyle Moring

(972) [redacted] | [redacted]

On Sep 25, 2025, at 4:46 PM, Kyle Moring <[redacted]> wrote:

Ms. Webster,

Your previous email states: "Once we receive your payment, we can set up a time for you to review." Conditioning inspection on prepayment is unlawful.

- **Paper records:** A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*

- **Electronic records:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access to the information unless complying requires programming or manipulation of data," and the City must first issue the required written statement *(Tex. Gov't Code §§ 552.272(a), 552.231).*

  Texas PIA Handbook: "Section 552.272 allows labor charges only when providing access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspectelectronic records." *(Texas OAG, Public Information Act Handbook).*

Please withdraw the pay-to-inspect demand and schedule inspection, or, if records cannot be produced promptly, provide the written certification stating the date and hour when they will be available *(Tex. Gov't Code*

§ 552.221(d)).

Separately, I accept paper copies of the 58 pages previously identified. Please confirm pickup for Friday, September 26, 2025, and provide a corrected invoice calculated in accordance with the cost rules *(1 TAC § 70.3 — e.g., $0.10/page; labor only when applicable; overhead = 20% of labor only).* Deposits apply to copies only, after a proper itemized estimate, and only when estimated copy charges exceed the statutory threshold *(Tex. Gov't Code §§ 552.2615, 552.263).*I will pay at pickup for the 58 pages.

Requested Action (by end of day):

1. **Inspection:** Provide a date/time for on-site inspection of electronic records without prepayment or provide the required programming/manipulation statement *(Tex. Gov't Code § 552.231).*

2. **Paper pickup:** Confirm pickup time/location and the total for the 58 pages *(1 TAC § 70.3).*

3. **If not available promptly:** Provide the certification of date/hour availability *(Tex. Gov't Code § 552.221(d)).*

I have contacted the OAG Open Government Hotline regarding this issue and will supplement my complaint today if the City does not cure these defects. I will also file a separate cost-rules complaint and, if necessary, a § 552.3215 complaint with the Titus County prosecutor *(Tex. Gov't Code §§ 552.221, 552.231, 552.2615, 552.263, 552.271–.272, 552.3215; 1 TAC § 70.3).*

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Sep 25, 2025, at 4:07 PM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

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From: Kyle Moring <[redacted]>
Sent: Friday, September 19, 2025 8:30 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's offices.

1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies

requested at this time. Under Gov't Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for "in-person viewing"**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City "must print and scan" or that the "system does not allow export." Please provide the IT/vendor documentation supporting your "no export" claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General's Cost Estimate Model.

5. **Deposit/Bond**

   Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts

with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct

210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each location, there will be a charge for

personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.
>
> The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only those above a certain cost.
>
> Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.
>
> As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your

convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg



From:	Kyle Moring <[redacted]>
To:	Austin Beck <abeck@dtrglaw.com>
Cc:	Candias Webster <cwebster@mpcity.org>
Date:	2025-10-01 20:49:20+00:00
Subject:	**Re: Response to Voicemail on August 25, 2025 — Open Records Requests**
Attachments:	image001.jpg
USB file:	Re Response to Voicemail on August 25, 2025 — Open Records Requests_7.msg

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

For my September 4, 2025 request, the City issued two estimates on September 18, 2025. The first ($123.00) contained arithmetic errors. The second ($59.80) corrected the copy/overhead math but still demanded a deposit below the statutory threshold. I paid the $59.80 under protest at pickup on September 26, 2025.

On review, 28 of the 58 pages in the packet were previously produced duplicates, reducing the unique page count to 30. For ≤ 50 standard pages, labor and overhead are not chargeable; only the per-page copy fee applies. Accordingly, the lawful charge is $3.00 (30 × $0.10). Please:

1. Refund $56.80 ($59.80 paid − $3.00 allowable). If you prefer to net against your October 1, 2025 email, please issue an additional $54.00 refund beyond the $2.80 already offered;
2. Provide the final itemized cost worksheet for the September 4, 2025 request, including any labor billed (tasks and minutes) and the overhead calculation (20% of labor only, if any); and
3. Confirm the City has updated procedures so that future estimates (a) exclude duplicates from page counts, (b) omit labor/overhead for ≤ 50 pages, and (c) do not require prepayment to inspect records.

Please confirm by Wednesday, October 8, 2025, whether the City will issue the refund and provide the final worksheet. If not, I will supplement my pending OAG Cost Rules complaint and refer this matter to the Titus County District Attorney.

If the City believes the unique page count differs from 30, please identify the specific pages you contend are unique so we can reconcile promptly.

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Oct 1, 2025, at 2:49 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

For the September 4, 2025, request: an estimate was provided, but the actual cost was less than the estimate. The City will issue a refund for the difference, in the amount of $2.80. Please coordinate with the City Secretary about when you'd like to come pick up a check or if you'd like it mailed to you.

For the July 31, 2025, request: The City will respond accordingly once we receive notice from the OAG regarding an overcharge complaint.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Friday, September 26, 2025 8:47:44 PM
To: Austin Beck <abeck@dtrglaw.com>

Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster and Mr. Beck,

This message concerns the City's estimates for my requests on September 4, 2025 ($59.80) and July 31, 2025 ($1,296). I have filed a cost-rules complaint with the Attorney General's Open Government Cost Rules unit covering both estimates, and I am contacting the Titus County District Attorney regarding potential enforcement under Tex. Gov't Code § 552.3215.

Routing & receipt: Please forward this correspondence and all future communications related to these two PIA requests to Mayor Wesley Lyons and City Manager Rob Vine, and confirm in writing when it has been routed. I have requested an electronic read receipt; regardless, please reply "received" for the record.

Payment under protest & duplicate charges (September 26, 2025):
At pickup, I paid the $59.80 under protest, stating I was being overcharged, in the presence of Sundi Jackson and Karina Memije. Ms. Webster stated that you, Mr. Beck, had reviewed the cost estimate; yet the estimate was revised after my initial call-out, then called out again and denied by the City. In the final packet, 28 pages were duplicates of records already produced to me via the City's SharePoint on June 11, 2025, and June 27, 2025, for which I had already paid.

Defects in the two estimates (as issued)

1. **September 18, 2025 estimate — $59.80 (58 pages):** It lists 3 hours of labor + overhead and then states: "Because the total estimated charges exceed $100.00 … post a bond … in the amount of $59.80." A $59.80 estimate does not exceed $100. Deposits are tied to copies (after a compliant § 552.2615 estimate), not to inspection.
2. **September 19, 2025 estimate — $1,296 (72 hours labor + 20% overhead):** It imposes labor/overhead for in-person electronic viewing after I expressly elected inspection only. It further asserts staff must "gather" records from permitting software, as I view them, and that the system "does not allow downloading," supposedly requiring print/scan. If the City truly believes inspection requires programming or manipulation of data, the statute requires a § 552.231 written statement before any labor may be charged for electronic inspection.

Governing law — Tex. Gov't Code § 552.231 (exact provisions)

- **§ 552.231(a):** A governmental body shall provide the written statement described in Subsection (b) if it determines that responding to a request will require programming or manipulation of data and that (1) compliance is not feasible or would substantially interfere with operations; or (2) the information could be made available in the requested form only at a cost that covers the programming/manipulation of data.
- **§ 552.231(b):** The written statement must include: (1) a statement that the information is not available in the requested form; (2) the form in which it is available; (3) a description of any contract/services required to provide it in the requested form; (4) the estimated cost (per § 552.262); and (5) the anticipated time required.
- **§ 552.231(c):** The statement must be provided within 20 days of the request (with an additional 10 days if notice is given within the 20-day period that more time is needed).
- **§ 552.231(d)–(d-1):** After providing the statement, the body has no further obligation to provide the information in the requested form unless, within 30 days, the requestor elects the terms/time or elects the form in which it is already available; otherwise, the request is withdrawn.
- **§ 552.231(e):** The officer for public information shall establish policies to assure expeditious, accurate processing and maintain a file containing all written § 552.231 statements in a readily accessible location.

Your estimate letters reference § 552.2615 (copies), but no § 552.231(b) written statement has been issued for either matter.

Inspection rule (Texas PIA Handbook — § 552.272):

"Section 552.272 allows charges for labor when providing access to electronic information requires programming and/or manipulation of data … No other charges are allowed. Printing electronic records is neither programming nor manipulation of data. Overhead is not allowed on requests for inspection of electronic records, and overhead charges are not allowed on requests for inspection of paper records."

Requested actions

1. Withdraw all deposit demands for inspection and confirm that no prepayment is required for inspection of electronic or paper records. (§ 552.263 deposits apply to copies only, after a compliant § 552.2615 estimate; they do not govern inspection. A $59.80 estimate cannot lawfully trigger a "> $100" deposit.)
2. If you contend that inspection of the electronic records requires programming/manipulation, please issue the § 552.231(b) written statement with all five required elements (unavailable form; available form; contract/services; estimated cost; anticipated time) within the statutory timelines. Otherwise, schedule inspection without charge consistent with § 552.272(a) and the Handbook guidance above.
3. For any copies I may later elect to purchase, provide a corrected, itemized § 552.2615 estimate that:
    - Itemizes labor by task and minutes (locate, compile, redact, reproduce), applies $15/hour, and computes overhead = 20% of labor only; and
    - Identifies any less-costly/no-cost access method as required by the AG cost rules.

(The September 18, 2025 estimate lists "3 hours" with no task breakdown; the September 19, 2025 letter lists 72 hours with no breakdown.)

4. Refund/credit the charges for the 28 duplicate pages in the 58-page packet (at least 28 × $0.10 = $2.80, plus any labor/overhead attributable solely to reproducing those duplicates), and re-issue a corrected invoice.
5. Acknowledge that a cost complaint is on file with the Attorney General regarding both estimates, and preserve all related records (cost worksheets, time logs, system audit logs, and correspondence).
6. Please confirm that this correspondence has been routed to Mayor Wesley Lyons and City Manager Rob Vine, and provide a written acknowledgment of receipt (a simple "received" from your office is sufficient).

I remain available to inspect the electronic records on mutually agreeable dates. Please confirm an inspection appointment without prepayment, or transmit the § 552.231(b) statement if you intend to rely on programming/manipulation.

Public transparency: Consistent with my right to speak on matters of public concern, I intend to inform the residents of Mount Pleasant about this records matter through public updates on social media and to address it during the open comment period at the next City Council meeting.

Enforcement notice: In addition to my OAG cost complaint and my request for local PIA enforcement, I am referring other, non-PIA legal issues identified during my investigation to the Titus County District Attorney for independent review. Please preserve all potentially relevant records (including email, texts, MyGov/HSGov case data and audit logs, photographs, and recordings) while these matters are pending.

With gratitude,

Kyle Moring

[redacted]

On Sep 26, 2025, at 7:26 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

Regarding your email below:

1. **Public-interest fee waiver:** The City is not waiving fees because the City has not determined that providing the requested information will primarily benefit the public.
2. **Paper inspection:** The City previously issued a cost estimate letter to you for 4000+ pages of paper records and you responded by modifying your request to inspect electronic records instead to avoid printing costs; accordingly, the City issued a revised cost estimate letter to you and has yet to receive a response as required by Sec. 552.2615(b), Tex. Gov't Code. As stated in previous communications to you:
    a. The City's permit records are stored in specialized software. To obtain electronic copies, each page must be printed and scanned. You rejected this option to reduce printing costs.
    b. To inspect existing electronic records stored on the City's permitting software, a labor charge will be incurred for the personnel time required to manipulate the data as you view each record. The City cannot allow you unsupervised access to the City's permitting software – a City employee will need to manipulate the permitting data in real-time (e.g. gather the records) as you review them. This labor charge is estimated in the revised cost estimate letter that was issued to you by the City.
    c. If, upon review, you would like the City to print and/or scan a particular record, you may request the City do so and will incur a charge for each printed page. Alternatively, you can bring a camera or other device to create your own electronic copy from the original electronic records without incurring any additional charges.
3. **Outstanding statutory items:**
    a. **Withdraw pay-to-inspect (or justify):** See (2) above.
    b. **Correct, itemized estimate for any copies (if I elect additional copies):**The City will not issue a revised cost estimate letter unless you respond in writing that you are modifying your request to include paper or electronic copies. See (2)(a) above.
    c. **Electronic export claim:** The City does not possess any responsive records regarding vendor/IT documentation or a custodian statement relating to the export options for the City's permitting software.
    d. **Date-certain certification:** The records will be made available to you during normal business hours once you request a date/time for inspection and post the required bond/deposit.

e. **§ 552.267 decision:** See (1) above. The City is not required to answer any questions or perform research under Chapter 552, Tex. Gov't Code.

Regards,

Austin Beck
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Friday, September 26, 2025 1:10 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

I will arrive at 2:00 p.m. to pick up the 58 pages. Please let me know the exact location where I can pick up the records. This email also restates the items from my September 25 communication that remain unanswered and outlines my public interest fee waiver request.

Public-interest fee-waiver request (Tex. Gov't Code § 552.267)

I request a waiver or reduction of copy charges because the release of these records will primarily benefit the general public (non-commercial):

- **Retail Food Safety/DSHS Oversight:** The records relate to an ongoing retail food safety matter and materials I have provided to DSHS as part of oversight/enforcement substantiation. I intend to share the results publicly (community groups, media, and DSHS), not for commercial gain.
- **Inspector competency & program integrity:** The public has a strong interest in whether City inspection staff are properly qualified and trained (e.g., FDA Program Standard 2/RS-SIT pathways), whether sign-offs were appropriate, and whether the City maintains adequate SOPs/policies.
- **Fiscal transparency:** Records concerning permit fees and valuations directly affect tax revenues, budget decisions, and employee compensation (e.g., COLA/benefits). Public access informs taxpayers' understanding of the City's rate-setting and budget priorities.

Accordingly, a § 552.267 fee waiver (or substantial reduction) is warranted. For clarity: my use is non-commercial; the primary beneficiaries are residents and City employees.

Cost posture & inspection (law, in brief)

Paper inspection: A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov't Code § 552.271(a), (c)–(d)).*

- **Electronic inspection:** "In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access… unless complying requires programming or manipulation of data," in which case the City must first issue the written statement required by § 552.231 *(Tex. Gov't Code § 552.272(a); § 552.231).*

  Texas PIA Handbook: "§ 552.272 allows labor charges only when access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspect electronic records."

Outstanding statutory items (please answer today)

1. **Withdraw pay-to-inspect (or justify):** Please withdraw the pay-to-inspect demand in your September 25, 2025email ("Once we receive your payment, we can set up a time for you to review"), **or** provide the § 552.231programming/manipulation statement if you contend it applies *(Tex. Gov't Code §§ 552.271, 552.272, 552.231).*

2. **Correct, itemized estimate for any copies (if I elect additional copies):** Apply 1 TAC § 70.3 (e.g., $0.10/page, labor only when permitted, overhead = 20% of labor only) and issue a § 552.2615-compliant estimate when > $40.

3. **Electronic export claim:** If the City's system truly cannot export, please provide vendor/IT documentation or a custodian statement (including the system name/version and available export functions/settings) so we can determine whether § 552.228 electronic production or § 552.231 applies.

4. **Date-certain certification:** For any items not promptly available, provide the § 552.221(d) written certification stating the date and hour they will be available.

5. **§ 552.267 decision:** Please issue a written public-interest determination granting the waiver (or reduction). If denied, state the specific reasons and provide a revised, compliant estimate reflecting no-cost inspection where applicable.

Please acknowledge that this is not a new request. I will pick up the 58 pages at 2:00 p.m. today and remain available for rolling production.

If these statutory items remain unresolved, I will supplement my OAG Open Government Hotline complaint and seek local enforcement under § 552.3215.

With gratitude,

Kyle Moring

(972)[redacted] | [redacted]

On Sep 25, 2025, at 4:46 PM, Kyle Moring <[redacted]> wrote:

Ms. Webster,

Your previous email states: “Once we receive your payment, we can set up a time for you to review.” Conditioning inspection on prepayment is unlawful.

- **Paper records:** A governmental body may not impose a charge to make records available for inspection; only narrow, enumerated labor charges apply in limited scenarios *(Tex. Gov’t Code § 552.271(a), (c)–(d)).*

- **Electronic records:** “In response to a request to inspect information that exists in an electronic medium… a charge may not be imposed for access to the information unless complying requires programming or manipulation of data,” and the City must first issue the required written statement *(Tex. Gov’t Code §§ 552.272(a), 552.231).*

  Texas PIA Handbook: “Section 552.272 allows labor charges only when providing access to electronic information requires programming and/or manipulation of data. No other charges are allowed. Printing electronic records is neither programming nor manipulation. Overhead is not allowed on requests to inspectelectronic records.” *(Texas OAG, Public Information Act Handbook).*

Please withdraw the pay-to-inspect demand and schedule inspection, or, if records cannot be produced promptly, provide the written certification stating the date and hour when they will be available *(Tex. Gov’t Code § 552.221(d)).*

Separately, I accept paper copies of the 58 pages previously identified. Please confirm pickup for Friday, September 26, 2025, and provide a corrected invoice calculated in accordance with the cost rules *(1 TAC § 70.3 — e.g., $0.10/page; labor only when applicable; overhead = 20% of labor only).* Deposits apply to copies only, after a proper itemized estimate, and only when estimated copy charges exceed the statutory threshold *(Tex. Gov’t Code §§ 552.2615, 552.263).*I will pay at pickup for the 58 pages.

Requested Action (by end of day):

1. **Inspection:** Provide a date/time for on-site inspection of electronic records without prepayment or provide the required programming/manipulation statement *(Tex. Gov’t Code § 552.231).*

2. **Paper pickup:** Confirm pickup time/location and the total for the 58 pages *(1 TAC § 70.3).*

3. **If not available promptly:** Provide the certification of date/hour availability *(Tex. Gov’t Code § 552.221(d)).*

I have contacted the OAG Open Government Hotline regarding this issue and will supplement my complaint today if the City does not cure these defects. I will also file a separate cost-rules complaint and, if necessary, a § 552.3215 complaint with the Titus County prosecutor *(Tex. Gov’t Code §§ 552.221, 552.231, 552.2615, 552.263, 552.271–.272, 552.3215; 1 TAC § 70.3).*

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Sep 25, 2025, at 4:07 PM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Morning,
Once we receive your payment, we can set up a time for you to review.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Friday, September 19, 2025 8:30 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

I write within the 10-business-day window to respond to the September 19, 2025 cost estimate quoting $1,296 (72 hours of labor + 20% overhead) for my modified request to view electronically at the City's offices.

1. **Election of "inspection only" for electronic records; no charges permitted absent programming/manipulation**

   I again elect inspection of the records in their existing electronic medium, with no copies requested at this time. Under Gov't Code § 552.272(a), a governmental body may not impose a charge for access to information that exists in an electronic medium unless complying requires programming or manipulation of data. If you contend programming/manipulation is required, please issue the § 552.231 written statement identifying the form in which the information is available, the required services, estimated time, and cost so I may consider that option.

2. **Withdraw/Correct the $1,296 estimate for "in-person viewing"**

   The current estimate imposes substantial labor and overhead, even though I am not requesting copies. Charges for inspection are strictly limited and are generally not permitted for access to electronic records. Please withdraw the current estimate and issue a corrected § 552.2615 itemized estimate that reflects inspection of electronic records without charge, unless you substantiate a § 552.231 programming/manipulation scenario.

3. **Electronic-export capability and required IT documentation**

   The City has previously provided me with responsive records electronically via SharePoint links on multiple occasions in 2025. This directly contradicts the assertion that the City "must print and scan" or that the "system does not allow export." Please provide the IT/vendor documentation supporting your "no export" claim, or alternatively, facilitate electronic inspection and enable viewing and save/print-to-PDF from the source system. If the City truly lacks the capability to provide the information in the requested electronic medium, § 552.228governs; please do not default to print-and-scan without the required showing.

4. **Required contents of a § 552.2615 estimate**

   A compliant § 552.2615 itemized statement must include the statutorily required notices, including any less-costly method of access/viewing and the ways I may

respond. Please confirm your estimate meets those requirements or reissue it using the Attorney General's Cost Estimate Model.

5. **Deposit/Bond**

   Because I elected inspection only of electronic records, charges for access—including the quoted 72 hours of labor—are not permitted absent programming/manipulation, which would require a §552.231 written statement. Please withdraw the inspection labor/overhead charges and either (a) schedule inspection without charge, or (b) provide the §552.231 statement if programming/manipulation is truly required. If you now propose paper inspection, please identify how §552.271(c)–(d) is satisfied (age/archival-box thresholds and prep-time), and note that overhead is not recoverable for inspection.

Next steps requested:

- Confirm a date/time for on-site electronic inspection and that no charges will be imposed for inspection unless and until you provide a § 552.231 programming/manipulation statement.
- Provide the IT/vendor documentation supporting your "no export" claim, or confirm that staff will make the existing electronic records viewable and, as needed, save/print-to-PDF specific items I identify.
- Issue a corrected § 552.2615 itemized statement (or confirm none is required for inspection).

For clarity, my separate acceptance of paper copies of the 58 pages remains in effect; this message addresses only the September 19 estimate for on-site electronic inspection.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 19, 2025, at 7:58 AM, Candias Webster <cwebster@mpcity.org> wrote:

Mr. Moring,
I have attached an updated pay estimate for you and in order to view the responsive records, a city employee will need to gather the responsive records as you view them by accessing the City's permitting software.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring <[redacted]>
Sent: Thursday, September 11, 2025 8:27 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

You state the City's software "does not allow for electronic records to be exported" and that records "must be printed and scanned to PDFs." That position remains inconsistent with (i) the City Secretary's representation that the City can provide an Excel spreadsheet and her attached sample; and (ii) the City's own recent productions of electronic files, including an Excel named "export-Building Permit Manager—2025-09-02.xlsx."

1) "Excel" — automated export vs. manual typing; why it matters:

If, by "Excel," the City Secretary meant an automated system export, then the City plainly can export electronic data, and your assertion that the system cannot export electronic records is incorrect. The filename the City sent me — "export-Building Permit Manager—2025-09-02.xlsx" — strongly indicates such an export already occurred.

If, instead, "Excel" meant staff would manually type information into a spreadsheet, that would be the creation of a newcompilation. The Public Information Act requires the production of actual public records (or copies in an electronic medium that the City can readily produce); it does not require the creation of substitute compilations absent agreement by the requestor. See the OAG Handbook discussion of § 552.228 (no substitution of retyped documents; provide copies of the actual public records maintained). Either way, the "Excel" option is not a basis to withhold or to force a paper-print/scan workflow.

2) Paper print/scan is unnecessary and contrary to least-cost electronic access:

Your messages on August 26, 2025, and September 11, 2025, insist the City "must" print and then scan to create PDFs.The Attorney General's rules make clear that providing electronic copies in a format the City can produce should occur without unnecessary printing; indeed, the Handbook underscores that printing electronic records is neither "programming" nor "manipulation" (so it does not transform an electronic request into a chargeable programming task).

The Act expressly gives requestors the right to receive copies in an electronic medium that the City can produce without buying new software/hardware (§ 552.228), and it requires the City to proceed under § 552.231 only if actual programming or manipulation of data is needed (with a written statement of the form available, services required, time, and cost). If all that is required is to view records on the system and "print to PDF" (or save/export existing PDFs), that is an ordinary electronic copy—not a § 552.231 scenario.

Further, when I inspect electronic records, the statute prohibits charging for access unless programming or manipulation is required. § 552.272(a). Your suggestion that I must come onsite and incur labor merely to view records on a terminal conflicts with § 552.272's no-charge rule for electronic inspection (again, unless § 552.231 applies).

3) The City's own productions undermine the "no export" claim:

Beyond the Excel export noted above, the City has already produced *native emails* (.eml) and electronically generated PDFs in response to my earlier requests—i.e., born-digital records that required no paper intermediary. That practice is consistent with § 552.228 and the AG's rules (1 TAC § 70.6), which encourage production in the requested electronic format when the body can do so at no greater expense or time.

4) Scope is clear; the City's repeated claims of "unclear" are not supported by the record:

Since July 31, 2025, I have consistently requested **all commercial building permits issued since January 1, 2025**(including applications, valuations, fees, addresses, applicant/contractor names, project

descriptions, amendments/reprints/supporting documents), and I later phased the request to minimize costs and allow rolling electronic production. I also expressly accepted an Excel/CSV index as helpful—but not as a substitute for the underlying records. Your September 11, 2025 email's assertion that the City "remains unclear" about what is requested is not borne out by this written history.

5) Cost estimate must be revised to reflect electronic format and least-cost compliance:

The City's August 15, 2025, estimate (4,950 copies at $0.10, 72 hours of labor, plus 20% overhead) is premised on a paper copying workflow. I elected electronic inspection and electronic copies only and asked you to re-itemize consistent with § 552.2615 and 1 TAC ch. 70, removing per-page copy charges and any labor unique to print/scan. The OAG rules require that estimates advise of less costly or no-cost ways of viewing records and strictly limit charges; an itemized estimate that does not align with those elements is "deficient."

Requested Actions

1. **Production format (electronic):** Please confirm the City will produce the responsive permit records as PDFs created directly from the system (e.g., save/print to PDF), and not by printing to paper and rescanning. This complies with § 552.228 and 1 TAC § 70.6.

2. **If you contend export is impossible:** If you continue to claim the system cannot export/e-deliver electronic records, please provide a § 552.231 written statement (form available; services, time, and cost) and any vendor/IT documentation supporting that limitation (e.g., from Bryan Information Technology, LLC).

3. **Electronic inspection without charge:** If the City insists on onsite viewing, please confirm that electronic inspection will be provided at no charge unless you identify specific programming/manipulation required under § 552.231. § 552.272(a).

4. **Revised, itemized estimate:** Please issue a revised § 552.2615 estimate limited to (a) legitimate search/retrieval for electronic copies, (b) any *allowable* labor, and (c) removal of per-page copy charges and print/scan labor. If you believe any programming charges apply, itemize them precisely per the AG rules.

5. **Rolling schedule:** Provide a date-certain for the first tranche of PDFs and a rolling delivery plan thereafter, as I previously requested and as the Act contemplates.

For clarity once more: I will accept an Excel/CSV index to aid navigation, but not in lieu of the requested electronic copies of the underlying permit records.

I appreciate the City's prompt confirmation of these items so that we can complete this request in accordance with Chapter 552 and the Attorney General's rules.

With gratitude,

Kyle Moring

[redacted]

[redacted]

On Sep 11, 2025, at 5:16 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Mr. Moring,

The City has already produced all permit records

relating to Wal-mart. As previously noted, the City's software systems do not allow a search by valuation, so it is not possible to identify responsive permitting records based upon valuation without going through each and every permit on file. If that is what you are asking the City to do, please let me know so that we can generate a cost estimate.

The City's software also does not allow for electronic records to be exported – they must be printed and scanned to PDFs that can then be exported in electronic format. Any records responsive to this request can be made available to you at any time, we just need some guidance from you about how you'd like to proceed. Other than having City staff go through the entire database manually to identify permits over $50,000 valuation, which will be costly, you have two less costly options:

1. Coordinate with the City Secretary to schedule a time where you can come into the City's offices. We can setup a computer for you and assign a staff member to supervise and guide you through accessing the City's permitting software. Any records you want copies of can be printed, or printed and scanned to PDF. This will incur labor and material costs, but may be less costly than having City staff go through each record manually to identify responsive records.
2. Alternatively, you can provide clarification about the search terms for the records you are seeking. As previously stated, the City cannot search by valuation, but can search by other terms such as "All permits between certain dates" or "All permits at a certain address."

The City would like to close this request by providing you with the requested information, but we remain unclear about exactly what it is you are requesting and how you would like to go about receiving the information, e.g. by inspection only, hardcopy, or in electronic format after printing/scanning each document.

The City is required to comply with Chapter 552, Tex. Gov't Code, so any records released pursuant to an open records request are considered true and correct copies as a matter of law. The City generally provides business records affidavits where required, such as in response to a subpoena duces tecum, but not for open records requests.

Again, I think this matter could be resolved more efficiently through a phone call, which you're welcome to record, but please advise by email if you are more comfortable communicating in writing.

Regards,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: Kyle Moring <[redacted]>
Sent: Tuesday, September 2, 2025 10:45 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

Ms. Webster,

Thank you for confirming the City can export an Excel from its permit system. I want to be clear that an Excel summary is not a substitute for the requested underlying records.

Under Tex. Gov't Code § 552.221 and § 552.228, I am requesting copies of the actual permit documents in electronic form (PDF or "print-to-PDF"), including, as applicable: the permit applications, valuation/fee pages, invoices/receipts, amendments/reprints, inspection reports, plan-review/approval letters, and audit/history logs. Please produce on a rolling basis.

If the City believes filtering by $50,000 valuation is a technical challenge, then please provide all responsive permits for the period in electronic PDF; I am willing to review the full set electronically. Creating paper copies and rescanning them would not comply with the least-cost requirement (1 TAC ch. 70) where records already exist electronically.

To avoid any dispute about verification, you may either:

- include a brief custodian certification that the PDFs are "true and correct copies" of the records maintained by the City, or
- provide a Business Records Affidavit if that is the City's standard practice.

Next steps requested

1. Date-certain for the first PDF tranche.
2. If you contend that the system cannot export/email PDFs, please provide vendor/IT (Bryan Information Technology, LLC) documentation of that limitation and arrange electronic inspection at no cost so I can select specific documents for export.

For clarity: I will accept the Excel file **only as an index**, not as fulfillment of the records request.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Sep 2, 2025, at 10:17 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Good morning, Kyle,
>
> We can provide you with an Excel spreadsheet for each location. If you would like the documents from each

location, there will be a charge for personnel time associated with this request. Our system cannot do mass downloads of all documents. I have attached a sample of what the spreadsheet would look like. Please let me know if this document will work for you.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Tuesday, August 26, 2025 2:46 PM
To: Austin Beck <abeck@dtrglaw.com>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: Re: Response to Voicemail on August 25, 2025 — Open Records Requests

CAUTION: [EXTERNAL EMAIL]

Mr. Beck,

Thank you for your message. I note your acknowledgment that all permit records are already housed in the City's electronic system. The Tex. Government Code §552 and the Attorney General's cost rules (1 TAC ch. 70) require the City to produce responsive records in the least costly and most efficient format available. Because these records already exist in electronic form, they must be produced electronically unless the City can demonstrate it is technically impossible.

The City's own document metadata confirms this point. PDFs previously provided show they were generated using Bluebeam Revu x64 and PDFKit, both of which are digital document management tools. This establishes that the records are born-digital and confirms that additional paper print/scan labor is not required.

Because the City acknowledges all records are housed in its permit system, the presumption under §552.228 is that they are available electronically. If you contend the system cannot export or email records, please provide supporting documentation from the vendor or IT staff. I should

not be charged additional labor for print/scan workarounds caused by the City's chosen system. Under §552.261 and 1 TAC ch. 70, I request production in the least expensive electronic format available. If electronic inspection is the only option, please arrange that at no cost.

If the City believes that filtering permits by $50,000 valuation presents a technical difficulty, then please instead provide an electronic copy of all permits responsive to my request. I am willing to review the full set electronically, which avoids any paper print/scan burden and is fully consistent with Tex. Gov't Code §552 and 1 TAC ch. 70.

At minimum, please arrange either:

1. A CSV or PDF export filtered by address (e.g., Walmart #131); or

2. Electronic inspection of the system, with the opportunity for me to identify responsive records for export.

Please confirm that the revised cost estimate will reflect only allowable costs consistent with Tex. Gov't Code §552 and the least-cost requirement.

With gratitude,

Kyle Moring

[redacted]

[redacted]

> On Aug 26, 2025, at 1:34 PM, Austin Beck <abeck@dtrglaw.com> wrote:
>
> Mr. Moring,
>
> Thank you for your prompt reply. If we speak by phone, you're of course allowed to record the call for your records. I was only reaching out by phone as a time-saving measure to relay the following information to you.
>
> The way the City's record keeping system for permits is setup, they are able to search for certain addresses (i.e. Wal-mart), but not for all permits above a certain total cost (e.g. $50k). As it stands, my next step under the TPIA is to issue a revised cost estimate letter that will probably still be relatively high, since the City is being asked to go through each permit record and pull only

those above a certain cost.

Coming in-person to view the responsive records once they've been gathered will save some cost to you, but staff will still need to print copies given the way the City's system works as they don't have a way to produce electronic copies straight from the source records – they must be printed, then scanned, to produce an electronic copy. Alternatively, if they can arrange for you to view the records straight from the system, that would still require a staff member to standby and pull each record up for you to view, which adds labor costs.

As it stands, I'll be preparing a revised cost estimate letter based on your last communication modifying the scope of your request, and we can go from there. But please give me a call at your convenience if you'd like to discuss alternatives to further reduce costs.

Thanks,

Austin Beck

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:10 PM
To: Austin Beck <abeck@dtrglaw.com>
Subject: Response to Voicemail on August 25, 2025 — Open Records Requests

Mr. Beck,

I acknowledge your voicemail left on August 25, 2025, at 4:49 PM regarding my pending open records requests. At this time, I do not wish to discuss these matters by phone. For transparency and accuracy, I request that all communications regarding my open records requests be conducted in writing.

If the City or your office wishes to confer, please do so by email or letter. If you believe a live discussion is necessary, I will only participate if a verbatim transcript or recording of the conversation is provided to me afterward for my records.

Please continue to process my open records requests consistent with Texas Government Code Chapter 552, including providing itemized cost estimates, identifying applicable exceptions, and notifying me of any referrals to the Attorney General, as required by law.

With gratitude,

Kyle Douglas Moring

[redacted]

[redacted]

Attachment: image001.jpg

